

CIVIL CASE NO. 1:09cv155

Defendant.

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ORDER OF REMAND

Sentence four of 42 U.S.C. §405(g) provides in pertinent part, "[t]he court shall have the power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing." The parties have moved for reversal of the decision of the Defendant and remand for further administrative proceedings.

Specifically, the parties ask that the Commissioner be instructed to assign this matter to an Administrative Law Judge (ALJ) in order to update the claimant's medical record, to conduct a new hearing, and to issue a new decision. The ALJ shall evaluate the opinions of treating, non-treating, and non-examining sources and shall further evaluate the claimant's subjective complaints. In addition, the ALJ shall evaluate the claimant's residual functional capacity and, if necessary, obtain supplemental evidence from a vocational expert.

Based on the representations of the parties, the Court finds that reversal and remand are appropriate. Melkonyan v. Sullivan, 501 U.S. 89, 111 S.Ct. 2157, 115 L.Ed.2d 78 (1991).

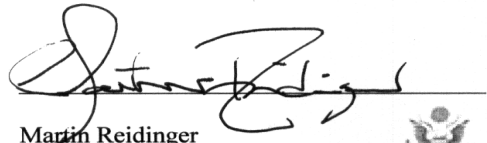
IT IS, THEREFORE, ORDERED that the parties' Assented to Motion for Reversal and Remand pursuant to Sentence Four of 42 U.S.C. §405(g) [Doc. 10] is hereby **GRANTED**; and

IT IS FURTHER ORDERED that the decision of the Commissioner of Social Security is hereby **REVERSED** and the case is **REMANDED**; and


IT IS FURTHER ORDERED that upon remand, the Commissioner be instructed to assign this matter to an Administrative Law Judge (ALJ) who shall (1) update the claimant's medical record; (2) conduct a new hearing;

(3) evaluate the opinions of treating, non-treating, and non-examining sources; (4) further evaluate the claimant's subjective complaints; (5) evaluate the claimant's residual functional capacity; (6) if necessary, obtain supplemental evidence from a vocational expert; and (7) issue a new decision..

A Judgment of Remand is entered simultaneously herewith. The Clerk of Court is notified that this is a final judgment closing the case.



Martin Reidinger
United States District Judge



Signed: October 21, 2009